

# UTILITY PATENT APPLICATION TRANSMITTAL

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(Only for new nonprovisional applications under 37 CFR 1.53(b))

## ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No. 03-465-B (400.138)

First Named Inventor James McSwiggen

Express Mail No. EV 334703995 US

## APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including tables, claims and abstract) [Total Pages 242]
3. ☒ Drawings [Total Sheets 95]
4. ☐ Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed
  - b. ☐ Copy from prior application

[Note Boxes 5 and 18 below]

  - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☐ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
  - a. ☐ Microfiche Appendix
  - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy
  - c. ☐ Statement verifying above copies
8. ☒ Small Entity Status
  - ☐ is claimed
  - ☒ Statement filed in prior application; status still proper and desired
  - ☐ is no longer claimed.

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers
10. ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
  - ☐ PTO-1449 Form
  - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☐ A Request for non-publication pursuant to 35 U.S.C. § 122(b)(2)(B)(i)
17. ☒ Other: Patent Application Date Sheet (12 pages)

18. ☒ This is a CONTINUING APPLICATION. Please note the following:

a. ☒ This is a ☐ Continuation ☐ Divisional ☒ Continuation-in-part of prior U.S. Patent Application Serial Nos. 10/693,095 filed October 23, 2003 which is a continuation-in-part of 10/444,853, filed May 23, 2003, which is a continuation-in-part of 10/652,791, filed August 29, 2003, which is a continuation of 10/422,704, filed April 24, 2003, which is a continuation of U.S. Patent Application No. 10/417,012, filed April 16, 2003. This application is also a continuation-in-part of International Patent Application No. PCT/US03/05346, filed February 20, 2003, and a continuation-in-part of International Patent Application No. PCT/US03/05028, filed February 20, 2003, both of which claim the benefit of U.S. Provisional Application No. 60/358,580 filed February 20, 2002, U.S. Provisional Application No. 60/363,124 filed March 11, 2002, U.S. Provisional Application No. 60/386,782 filed June 6, 2002, U.S. Provisional Application No. 60/406,784 filed August 29, 2002, U.S. Provisional Application No. 60/408,378 filed September 5, 2002, U.S. Provisional Application No. 60/409,293 filed September 9, 2002, and U.S. Provisional Application No. 60/440,129 filed January 15, 2003. U.S. Serial No. 10/693,095 is also a continuation-in-part of US Patent Application No. 10/427,160, filed April 30, 2003 and International Patent Application No. PCT/US02/15876 filed May 17, 2002.

- b. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one claim must remain.)

c. <input type="checkbox"/> Amend the specification by inserting before the first line the sentence: This is a <input type="checkbox"/> continuation <input type="checkbox"/> divisional <input type="checkbox"/> continuation-in-part of of application Serial No.
d. <input checked="" type="checkbox"/> The prior application is assigned of record to Sirna Therapeutics, Inc.

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>	Attorney Docket No. 03-465-A (400.136)
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APPLICATION FEES				
<b>BASIC FEE</b>				\$ 770.00
<b>CLAIMS</b>	<b>NUMBER FILED</b>	<b>NUMBER EXTRA</b>	<b>RATE</b>	
Total Claims	17 -20 =		x \$18.00	\$
Independent Claims	1 - 3 =		x \$84.00	\$ .00
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$280.00	\$
Total of above calculations =				\$
Reduction by 50% for filing by small entity =				\$(385.00)
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$
<b>TOTAL =</b>				<b>\$ 385.00</b>

19. ☐ Please charge my Deposit Account No. 13-2490 in the amount of \$385.00

20. ☒ A check in the amount of \$385.00 is enclosed.

21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.

22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

**23. CERTIFICATE OF MAILING**

I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date indicated below.

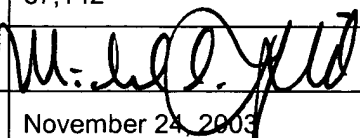
**24. USPTO CUSTOMER NUMBER**

20306

PATENT TRADEMARK OFFICE

McDonnell Boehnen Hulbert & Berghoff

**25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name	Michael S. Greenfield
Reg. No.	37,142
Signature	
Date	November 24, 2003